

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Northern District of New York

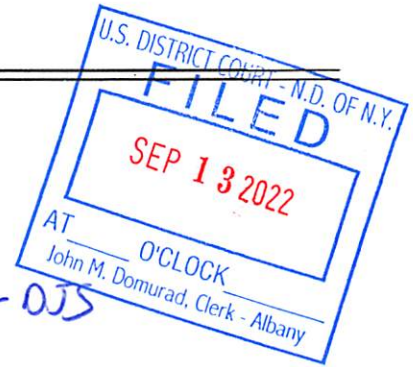
UNITED STATES OF AMERICA)

v.)

CHARLES BRENNAN,)

Defendant)

Case No. 1:22-MJ-518-DJS



CRIMINAL COMPLAINT

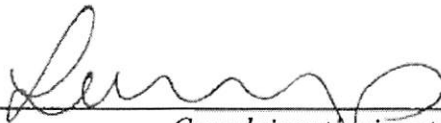
I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of September 13, 2022 in the county of Saratoga in the Northern District of New York the defendant violated:

Code Section
18 U.S.C. 922(k)

Offense Description
Possession of a Defaced Firearm

This criminal complaint is based on these facts:
See attached affidavit.

☒ Continued on the attached sheet.

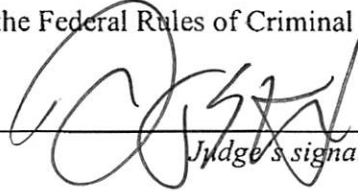


Complainant's signature
Lauren Viup, ATF Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: 9/13/2022



Judge's signature
Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

City and State: Albany, New York

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Lauren Viup, being duly sworn, do hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), and have been since January 2016. I am currently assigned to the New York Field Division (NYFD) and have participated in numerous investigations that fall under the investigative jurisdiction of ATF, including, but not limited to, violations involving violent crimes in aid of racketeering, including murder; racketeering conspiracy; the unlawful possession and use of firearms; and the distribution and manufacture of controlled substances.

2. I have completed the ATF Basic Agent Training. The curriculum for the course included federal law regarding violent crime and firearm-related offenses, drug-related offenses, drug identification, physical surveillance, undercover negotiations, electronic surveillance, and interviewing techniques. I also have experience in the identification and collection of firearms, explosives, ammunition, drug and non-drug evidence, and the analysis and interpretation of recorded conversations. Specifically, I have particular knowledge in the use and utility of undercover agents, confidential informants, physical surveillance, electronic surveillance, consensual recordings, investigative interviews, garbage searches, global positioning system (GPS) tracking devices, the service of grand jury subpoenas, and the execution of federal and state search and arrest warrants. I have personally conducted and/or assisted in numerous investigations of criminal acts involving violations of Title 18, United States Code, Sections 922 and 924.

3. This affidavit is intended to show merely that there is probable cause for a complaint, and consequently it does not set forth all of my knowledge about the matters under investigation. Where statements of others are related in this affidavit, they are related in substance and in part. I

submit this affidavit in support of a criminal complaint charging CHARLES BRENNAN (“BRENNAN”) with a violation of Title 18, United States Code, Section 922(k) and 924(a)(1)(B) [Possession of a Firearm With an Obliterated or Defaced Serial Number]. Section 922(k) provides, in pertinent part, that “[i]t shall be unlawful for any person knowingly ... to possess or receive any firearm which has had the importer’s or manufacturer’s serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce.”

BASIS FOR PROBABLE CAUSE

4. On September 13, 2022, Saratoga County Sheriff’s Office (SCSO) executed a state search warrant at BRENNAN’s residence in Malta, New York. During the execution of the search warrant, law enforcement observed BRENNAN coming down the stairs from the second level of the residence, and one other individual on the first level of the residence. Law enforcement recovered the following items during the execution of the search warrant, including but not limited to: seven firearms, one of which was a Beretta, model 96D, .40 caliber, semiautomatic pistol with an obliterated serial number (the “pistol”); ammunition (including a loaded .40 caliber magazine in the same gun box as the pistol); approximately 11 grams of methamphetamine (which field tested positive); and 26 tabs of LSD (which field tested positive). The pistol was located in BRENNAN’s bedroom, in a compartment at the foot of his bed.

5. BRENNAN was transported to SCSO where he was read his Miranda Warnings, which he waived and agreed to talk to law enforcement. During his post-Miranda interview, BRENNAN made the following statements, in sum and substance: everything on the upstairs level of the residence belonged to him (this area includes BRENNAN’s bedroom where the pistol was located); the upstairs of the residence consisted of three rooms, all of which were utilized by BRENNAN; that the side of the pistol looked like someone sanded it; that BRENNAN did not

personally sand the serial number down, and that pistol has always been defaced, BRENNAN “assumed that someone sanded off- tried to sand off the serial numbers on it or something. But there’s still serial numbers in it. I mean I took it apart and looked, there’s some inside and stuff...;” BRENNAN recently fired the pistol in his backyard; BRENNAN said, “Well I’m not going to go to a shooting range without a pistol permit;” and “It’s [the pistol] not good for hunting; I don’t hunt anyways.”

6. Below are images of the pistol recovered from BRENNAN’s bedroom taken by law enforcement after the execution of the search warrant:



7.



8. On September 13, 2022, SA Viup received a verbal interstate nexus opinion from SA Jason Sherman that the aforementioned pistol recovered from BRENNAN's bedroom, was manufactured outside the state of New York, therefore having traveled in/or effecting interstate commerce.

9. Based on the foregoing, your affiant submits that there is probable cause to conclude that BRENNAN has violated Title 18, United States Code, Section 922(k) and 924(a)(1)(B) (Possession of a Firearm With an Obliterated Serial Number).

Attested to by the affiant.

A handwritten signature in black ink, appearing to read 'Lauren Viup', written over a horizontal line.

Lauren Viup
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

I, the Honorable Daniel J. Stewart, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on September 13, 2022 in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

A large, stylized handwritten signature in black ink, likely belonging to Daniel J. Stewart, written over a horizontal line.